

### REMARKS

The Examiner has rejected Claim 32 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,632,061 to Smith et al. ("Smith") in view of U.S. Patent No. 3,669,481 to Bergmann ("Bergmann"). Claim 32 stands currently amended. Claims 1-31 and 33 stand previously canceled. Claims 32 and 34-62 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejection to current Claim 32. An early Notice of Allowance is therefore requested.

#### I. SUMMARY OF RELEVANT LAW

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

#### II. REJECTION OF CLAIM 32 UNDER 35 U.S.C. § 103(A) BASED ON SMITH IN VIEW OF BERGMANN

On page 2 of the prior Office Action, the Examiner rejects Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Bergmann. This rejection is respectfully traversed and believed overcome in view of the following discussion.

Amended Claim 32 states, in part:

"a **holding part** which is carried by the body part, **supported on the other side of the thin wall**, and is separate from the body part;

"wherein said **holding part** is **formed by two holding elements** which project in a flexible manner from the body part in the direction of its outer surface, **each** of the holding elements **having** a free end which has

**an inclined surface** for supporting the body part on the rim or edge of the opening without play;

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“wherein the **inclined surface** of each holding element is **inclined with respect to a surface of the other side of the thin wall.**” (emphasis added)

**A. Prior Arguments (modified according to current claim amendments)**

Examiner asserts that Bergmann discloses two holding elements which each have a free end with the inclined surface of Claim 32. This, however, misinterprets the teachings of Bergmann.

More specifically, Bergman explicitly states:

“The surface 3a which forms a rear boundary to the enlarged part 7a of the recess and which is engaged by the latching member 4, is so **inclined and shaped that a normal (not shown) towards the central part of the surface cuts or falls close to the pivot axis 5 of the latching member.** In this way the latching member is **not subjected to any considerable breaking moment** even if the stud or the recessed part is subjected to great force, the strength of the locking means thereby being considerable despite the simplicity of its construction and its small dimensions.”  
Bergmann, Col. 3, Lns. 6-15 (emphasis added).

It should be noted that the surface “3a” to which Bergman refers above is actually the surface “3b” as shown in figs 1-3.

As Bergmann describes above, the surface 3b is **flush** with the surface of the free end of the latching member 4. This is clearly seen in Figs. 1-3 of Bergman, where the curvature of the surface 3b coincides with and is **parallel** to the curvature of the surface of the free end of the latching member 4. Thus, the surface of the free end of the latching member 4 is **not inclined** with respect to the surface 3b of the (which is the closest disclosure in Bergman to the rim or edge of the opening in the thin wall sheet of Claim 32). As such, Bergman fails to disclose two holding elements which each have a free end which has **an inclined surface** for supporting the body part on the rim or edge of the opening without play, as required by Claim 32.

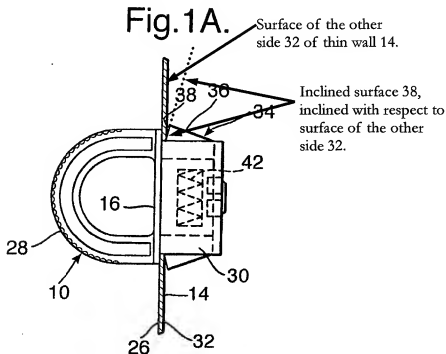
Further, the above disclosure of Bergmann matches the corresponding disclosure of Smith. More specially, as seen in Fig. 2 of Smith, the surface of the locking flange 33 of the locking member 32 is also flush with and parallel to the surface of the rim

or edge of the opening in the sheet metal support structure 22 of the roof 20. Thus, **both** Bergmann **and** Smith teach that the surfaces of their respective holding elements are flush with and parallel to the surfaces of their respective rim or edge of an opening in a thin wall. As such, Smith and Bergmann **cannot** be combined in any way so as to arrive at two holding elements which each have a free end which has an **inclined surface** for supporting the body part on the rim or edge of the opening without play, as required by Claim 32.

#### **B. Examiner's Response**

In response, Examiner interpreted the engaging surface 4c of the latching member 4 to be inclined to a plane of the stud 3, even though the engaging surface 4c does **not contact** any surface of the stud 3 which could be considered as being inclined with respect to the engaging surface 4c. Thus, in order to further clarify the intended scope of Claim 32, the language of Claim 32 has been amended to state that "the **inclined surface** of each holding element is **inclined with respect to a surface of the other side of the thin wall**."

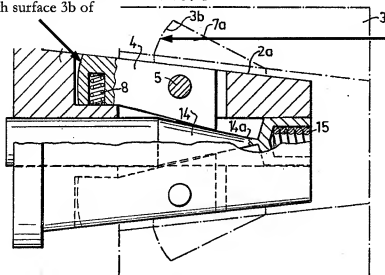
An example of such an arrangement is clearly seen below in the annotated copy of Fig. 1A of the current Application:



Such an arrangement is very different from that of the cited references. More specifically, Bergman teaches that the engagement surface 42 of the latching member 4 is **flush** with the surface 3b of the stud 3. This is clearly seen below in the annotated copies of Figs. 3 and 4 of Bergman:

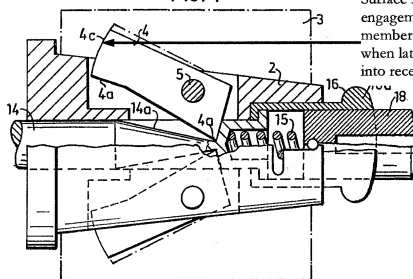
Engagement surface 4c, which is curved so as to be **flush** with surface 3b of stud 3.

FIG. 3



Surface 3b of stud 3, which is curved so as to be **flush** with engagement surface 4c of latching member 4.

FIG. 4



Surface 3b of stud 3 and engagement surface 4c of latching member 4 are **flush** with each other when latching member 4 is inserted into recess 7 of stud 3.

Accordingly, Bergman fails to teach or suggest that “the **inclined surface** of each holding element is **inclined with respect to a surface of the other side of the thin wall**”, as required by Claim 32. As explained in the “Prior Arguments” above, this **flush** arrangement is important so that “the latching member is not subjected to any considerable breaking moment”. See Bergman, Col. 3, Lns. 6-15.

Further, Smith also fails to teach or suggest that “the **inclined surface** of each holding element is **inclined with respect to a surface of the other side of the thin wall**.” More specifically, as in Bergman, Smith teaches that the locking flange 33 of the locking member 32 is **flush** with the upper surface 25 of the sheet metal support structure 22. See Smith, Figs. 1 & 2.

The analysis above is not a “piecemeal analysis” as asserted by Examiner, but rather is a substantial analysis of the teachings of the two cited references as a whole. As seen above, the references as a whole **only** teach or suggest a holding element having a holding surface which is **flush** with respect to the contact surface of the thin wall with which the holding surface contacts. In other words, the references as a whole fail to teach or suggest that “the **inclined surface** of each holding element is **inclined with respect to a surface of the other side of the thin wall**”, as required by Claim 32.

In addition, the first paragraph on page 12 of the current Specification discloses to provide two holding elements 36-1 and 36-2, which are arranged diametrically relative to one another, and which are acted upon by spring arrangement 42 (e.g., one coil spring 42 common to the two holding elements 36-1 and 36-2 or two coil springs 42-1, 42-2 (Fig. 27A), one for each of the holding elements 36-1, 26-2) in such a way that the holding elements 36 are forced in the direction of the rim 40 of the through-opening 12.

According to paragraph [0126] of the Specification, the holding elements enable a fastening without play by means of pushing the holding elements 25 further (see Fig. 7C).

Furthermore, as disclosed in paragraph [0149] of the Specification, the spring readjusts the holding elements 2036 (see Fig. 22A) automatically and compensates automatically any developing play.

The structure to get this automatic adjustment of the holding element and the automatic compensation of play developing between (1) the inclined surface for

supporting the body part on the rim or edge of the break-through and (2) such edge or rim, such inclined surface must be inclined with respect to the direction of movement of adjustment.

The angle of the inclination is selected in such a way that it causes self-locking of the holding elements 26 when the handle 10 of Fig. 1A is urged backwards out of the break-through 12. The force being exerted on the inclined surface 38 tries to move the holding element 26 into the casing of the body part 30. However, the friction between the channel walls and the surfaces of the holding elements 36 is so high that friction hinders such movement of the holding elements 36 in the direction being opposite to the direction of the spring force. A higher pull force does not hinder the self blocking, because the friction increases with the pull force.

The "inclined surface" 4c of Bergmann is identical with the virtual cylinder around axis 5. Therefore, the rotation of the "holding element" does **not** lead to adjustment of the distance between the surface 4c and the stud 3 (thin wall as asserted by Examiner). That is, the inclined surface 4a is **not** inclined in such a way that self-locking occurs if the holding part is moved backwards to separate the holding element from the rim or edge of the break-through.

Bergman shows holding elements 4 being rotational around axis 5, the free end thereof being part of a cylinder surface having the axis 5 as a circle center. Therefore, it is not possible to compensate for play by moving the holding elements further with the force of spring 42. Rather, the holding element of the citation moves from a position shown in Fig. 3 to its end position shown in Fig. 3 without stopping in an intermediate position as is the case according to the invention of Claim 32 (see Fig. 4B).

### C. Conclusion

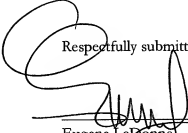
Accordingly, Applicant respectfully asserts that Examiner has failed to establish a prima facie case of obviousness of independent Claim 32. Therefore, Applicants respectfully requests that Examiner remove the rejection of Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,632,061 to Smith et al. in view of U.S. Patent No. 3,669,481 to Bergmann.

**III. WITHDRAWN CLAIMS 34-46 AND 52-62**

Withdrawn Claims 34-46 and 52-62 are each ultimately dependent from independent Claim 32. As Claim 32 is allowable, so must be Claims 34-46 and 52-62. Therefore, Applicant respectfully requests that Examiner rejoin and allow Claims 34-46 and 52-62.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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